

In the  
Indiana Supreme Court



IN THE MATTER OF )  
 )  
THE APPOINTMENT OF )  
 )  
G. MICHAEL WITTE )  
 )  
AS SENIOR JUDGES IN THE ALLEN )  
CIRCUIT AND SUPERIOR COURTS, )  
PORTER CIRCUIT COURT AND )  
PORTER SUPERIOR COURTS 4 AND 5 )

Cause No. 94S00- **1001** -MS- **28**

ORDER APPOINTING SENIOR JUDGE

The Judges of the Allen Circuit and Superior Courts, the Porter Circuit Court and the Porter Superior Courts 4 and 5, have requested the appointment of Senior Judge G. Michael Witte for service in 2010, pursuant to Ind. Code §33-23-3-1.

This Court adopted revisions to Administrative Rule 5 on December 3, 2003, which made certain changes to the senior judge program in recognition of the importance of senior judges to the administration of justice in Indiana trial courts. Accordingly, we find that the Judges have each demonstrated the need for additional judicial resources. Senior Judge G. Michael Witte has been certified as a senior judge by the Judicial Nominating Commission pursuant to Ind. Code §33-27-4-1. This Court may re-examine the appointment made herein at a later date in light of other circumstances, and make adjustments accordingly.

IT IS, THEREFORE, ORDERED that Senior Judge G. Michael Witte is appointed to serve in the Allen Circuit and Superior Courts, the Porter Circuit Court and the Porter Superior Courts 4 and 5, at the discretion of the Judges of each court. This appointment shall remain in effect until **December 31, 2010**. Pursuant to Ind. Code §33-23-3-5, the senior judge appointed

by this Court in this Order may not be compensated as senior judge for more than one hundred (100) days in the aggregate during the 2010 calendar year.

All appointments are contingent upon senior judge day limits established by this Court through separate Orders, and **it shall be incumbent upon the presiding judge of each requesting court to ensure that his/her court complies with the Orders setting senior judge day limits.** Pursuant to Admin. R. 5(B)(4) a senior judge shall have the same jurisdiction as the presiding judge of the court where the senior judge is appointed, but only during the days that the senior judge is serving in such court. Additionally, Admin. R. 5(B)(4) provides that a senior judge who has been appointed to serve in a court shall have the same jurisdiction as the regular judge of the court where he/she is serving to officiate at marriages at any time during the appointment. A senior judge may retain jurisdiction in an individual case beyond the day of service if the order of the presiding judge of the court in which the case is pending so orders.

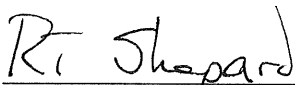
These appointments are made with the express understanding that Judge Witte has waived mileage and lodging expenses for service in Porter County and waived lodging expenses for service in Allen County.

The Clerk of this Court is directed to forward a certified copy of this order to the Honorable Thomas J. Felts, Allen Circuit Court, 715 South Calhoun Street, #300, Fort Wayne, IN 46802-1805; the Honorable David Avery, Allen Superior Court, 715 South Calhoun Street, #319, Fort Wayne, IN 46802-1805; the Honorable Nancy Eshcoff Boyer, Allen Superior Court, 715 South Calhoun Street, #325, Fort Wayne, IN 46802-1805; the Honorable Frances C. Gull, Allen Superior Court, 715 South Calhoun Street, #314, Fort Wayne, IN 46802-1805; the Honorable Daniel G. Heath, Allen Superior Court, 715 South Calhoun Street, #316, Fort Wayne, IN 46802-1805; the Honorable Stanley A. Levine, Allen Superior Court, 715 South Calhoun Street, #317, Fort Wayne, IN 46802-1805; the Honorable Charles F. Pratt, Allen Superior Court, 715 South Calhoun Street, #208, Fort Wayne, IN 46802-1805; the Honorable Kenneth R. Scheibenberger, Allen Superior Court, 715 South Calhoun Street, #305, Fort Wayne, IN 46802-1805; the Honorable Stephen M. Sims, Allen Superior Court, 2929 Wells Street, Fort Wayne, IN

46808; the Honorable John F. Surbeck, Jr., Allen Superior Court, 715 South Calhoun Street, #302, Fort Wayne, IN 46802-1805; the Honorable Mary R. Harper, Porter Circuit Court, 16 Lincolnway, Valparaiso, IN 46383; the Honorable David L. Chidester, Porter Superior Court, 16 Lincolnway, #228, Valparaiso, IN 46383; the Honorable G. Michael Witte; to the clerk of the Clerks of the Allen Circuit and Superior Courts, the Porter Circuit Court and the Porter Superior Courts 4 and 5; the Indiana Judicial Center; to the Judicial Qualifications Commission; and to the Division of State Court Administration, Payroll Section. The Clerk is also directed to post this Order to the Court's website.

**The clerk of the courts in each county is directed: 1) to distribute a copy of this order to the presiding judges of the courts within the clerk's county, 2) to enter this Order in the Record of Judgments and Orders of the courts within the clerk's county, and 3) to post this Order for public inspection.**

DONE at Indianapolis, Indiana this 11<sup>th</sup> day of January, 2010.

  
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Randall T. Shepard  
Chief Justice of Indiana